

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:15-CR-620
	§	
JOSE AARON LUNA-ALVAREZ	§	

**OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE**

On August 28, 2015, Defendant moved for a continuance of the final pretrial conference and jury selection because the Defendant needed additional time to prepare for trial (D.E. 19). The United States was unopposed to the motion.

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance would result in a miscarriage of justice and would deny the Defendant a reasonable time for the effective preparation for trial, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the Court finds that the ends of justice that would be served by the granting of a continuance outweigh the public's and the Defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The motion for a continuance (D.E. 19) is GRANTED; however the court declines to grant counsel a 60-day continuance without more information. This case is not complex. There are material witnesses being detained in this case. The period of continuance is excludable from the calculations under the Speedy Trial Act.

Final Pretrial Conference is scheduled for Friday, September 25, 2015, at 10:00 a.m., before United States Magistrate Judge B. Janice Ellington. Jury Selection and Trial

are scheduled for Tuesday, September 29, 2015, at 9:00 a.m. before United States District Judge Nelva Gonzales Ramos.

ORDERED this 28th day of August, 2015.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE